



Senate passes wind tax credit sunset bill, sending it to Fallin

(eCap) The Senate approved a bill Monday that will end the zero-emission tax credit for wind energy facilities July 1. The action clears the way for Gov. Mary Fallin to consider the bill.

HB2298, with title, effective date and enacting clause restored, by Rep. Charles McCall, R-Atoka and Sen. Mike Schulz, R-Altus, passed 40 to 3. The bill modifies the time period by which zero-emission facilities placed in production not later than July 1, 2017, to qualify for tax credits.

There was neither discussion nor debate of the measure on the Senate floor.

"The zero-emissions tax credit did what it was supposed to do - help the wind industry get off the ground in Oklahoma," Schulz said in a press release. "Our state ranks third in the nation in terms of wind power and will likely remain among the leaders in wind power for the foreseeable future. The state is facing extraordinary budget challenges, and we can no longer afford the zero-emissions tax credit. This measure provides certainty to the wind industry and stability in the long-term for the state budget."

In a separate release, McCall said, "This bill is about prioritizing expenses during a contraction cycle in state revenues. The zero-emission tax credit worked exactly as it was intended. When the Legislature introduced the credit, the goal was to incentivize investment in Oklahoma. The hope then was that wind could someday provide 15 percent of our energy portfolio. Today, wind generates 25 percent of the state's electricity production. The behavior you incentivize is the behavior you receive, and we have incentivized the wind industry during the last two decades. We are thankful for the wind companies and producers that came to the table to help us craft this plan. The savings from this bill will help us return our state to solid financial footing so that we can invest more in education, public safety and other priorities."

The incentive was authorized to continue until 2021.

Jeffery Clark, president of The Wind Coalition, also said the incentives served their purpose in growing the industry. He urged other energy industries to follow its lead in recognizing the state's challenging financial situation.

"These incentives have been tremendously beneficial to Oklahoma by attracting billions in private investment to rural areas, lowering electricity prices for Oklahoma consumers, creating new jobs, and providing essential tax revenue to rural public school districts. The incentives have served their purpose well and have helped Oklahoma bring much-needed diversification to its economy," Clark said.

"Today, the final wind energy tax incentive was eliminated. As an industry, we are proud that these incentives worked so well for the benefit of Oklahoma but we recognize that, as an industry matures, incentives should be examined and adjusted to reflect that growth. We hope that other industries will recognize the state's challenging fiscal situation and follow our lead," he added.

"If it chooses to do so, Oklahoma can be a leader in the energy development that will drive our nation's economy in the decades ahead. That includes natural gas, wind energy, solar power, and energy storage. While the path ahead for Oklahoma remains unclear, we look forward to working with state leaders to help them develop a plan to keep Oklahoma competitive for future investment," Clark said.

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Quote of the Day

"Again, there are cross-dressers in the building."

House Page Program
Supervisor Karen Kipgen

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The Incentive Evaluation Commission recommended in November 2016, that the incentive be ended. Fallin also proposed eliminating the credit in her executive budget and state of the state address to the Legislature in February.

[LESS]

OHCA prepares for potential cuts

(eCap) The Oklahoma Health Care Authority (OHCA) revealed Monday afternoon reductions the agency is considering in preparation for an anticipated reduction in its FY2018 appropriation.

According to an OHCA press release, optional benefits for SoonerCare members and provider rate reductions up to 25 percent are currently under consideration. If they were cut by a further 25 percent, SoonerCare physician rates would stand at about 65 percent of the Medicare rate.

At a regular board meeting last month, OHCA Chief Financial Officer Carrie Evans presented members with various budget scenarios for the coming fiscal year ranging from a 5 to 15 percent reduction in state appropriations.

"We are looking at reductions that threaten our health care infrastructure for Oklahoma's neediest citizens," OHCA Becky Pasternick-Ikard said in a statement Monday. "On the member side, if we have to eliminate the remaining optional benefits, we will be putting people's lives at stake. On the provider side, with a rate cut of this magnitude, we may see more providers, particularly in the rural areas, close up shop."

"We realize the potential consequences, but we recognize we are out of options," she added.

Benefits considered for elimination or reductions include pharmacy, behavioral health and durable medical equipment, private duty nursing services, adult organ transplants, dialysis, hospice services, physical and occupational therapy, and speech, hearing and language disorder services. Evaluated programs include the breast and cervical cancer treatment program and the waiver-funded Medically Fragile program and Program of All-inclusive Care for the Elderly (PACE).

"The agency must consider the projected savings of eliminating each optional benefit versus potential costs in other areas that may be created by their elimination," the release reads.

The agency face further challenges based upon two outside elements: the reduction of Oklahoma's Federal Medical Assistance Percentage (FMAP) score and the loss of federal Children's Health Insurance Program (CHIP) funding.

The state's FMAP is expected to drop from 59.94 percent to 58.57 percent in FY2018 as to account for an additional \$49 million, and if CHIP funds are not reauthorized by Congress, the agency looks to cut provider rates by 30 percent in a scenario in which their appropriations are reduced 14.5 percent.

To further complicate matters, Rep. Chad Caldwell, chair of the House Appropriations and Budget Subcommittee on Health, told members last month ways in which of "getting creative" in terms of finding efficiencies as to lessen the impact to providers were becoming scarcer and scarcer.

Caldwell, R-Enid, reiterated however that all budget projections were completely hypothetical at that point in time.

"A potential 30 percent cut is not sustainable to our Medicaid providers," Caldwell said in March. "I want to stress to everyone that I don't think this is where we're going to end up with the Health Care Authority."

Following its meetings with provider groups, the agency intends to present said reductions at public meetings on May 18, 23 and 25. All meetings will be held in the Charles (Ed) McFall Boardroom in the OHCA building located at 4345 N. Lincoln Blvd in Oklahoma City.

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[LESS]

House subcommittee approves DPS user fee

(eCap) The House Appropriations and Budget Subcommittee on Public Safety gave its approval to a measure Monday that would create a user fee for the Oklahoma Law Enforcement Telecommunications System.

The OLETS system is used by multiple law enforcement agencies and allow officers on patrol to be their own dispatchers and have access to various databases through their vehicle computers, DPS spokesman Captain Randy Rogers explained.

Rogers said the program was meant to pay for itself but that is no longer the case. For the last fiscal year, the agency offset the cost of the program for users at a cost of \$350,000.

SB0028 would charge a \$5 fee per month to users. Rogers said DPS is responsible for over 7,000 of these mobile terminals.

Rep. Bobby Cleveland, R-Slaughterville, said he was concerned that the issue had not been raised before, particularly to him as chairman of the House Public Safety Committee. Rogers apologized for not speaking out sooner but said in these budget times, the agency is looking at all avenues.

"Our budget has been cut drastically in the past few years. We've been trying to come up with ways to bringing money in instead of continually paying out," he told members.

Rogers said DPS has spoken with most users and added that the additional cost would not jeopardize public safety nor would they be overly burdensome on smaller entities.

The bill received a unanimous do pass recommendation.

SB0028, by Sen. Roger Thompson, R-Okemah, and Rep. Avery Frix, R-Muskogee, modifies language related to the Oklahoma Law Enforcement Telecommunications System. It requires the Commissioner of Public Safety to assess and collect costs and fees from subscribers to the system. It modifies language related to expenditures from the fund and permits expenditures from the Department of Public Safety Restricted Revolving Fund for personnel, recurring user fees, necessary hardware and accessories, of equipment, maintenance and operational expenses of the system.

Also on Monday, one bill was laid over.

SB0547, by Sen. Paul Scott, R-Duncan, and Rep. Carl Newton, R-Cherokee, increases the fee for wire transmissions \$500 or under from \$5 to \$7.50 and increases the additional fee for transmissions over \$500 from 1.5 percent from 1.0 percent. The bill modifies the apportionment of the revenue. It apportions \$5 of each transaction \$500 or less plus 1.0 percent of any amount in excess of \$500 to the Drug Money Laundering and Wire Transmitter Revolving Fund; \$1.50 of the fee for any transaction \$500 or less and 0.3 percent of the fee for amounts in excess of \$500 to the District Attorneys Council Revolving Fund; and \$1 of the fee for any transaction \$500 or less and 0.2 percent of the fee for amounts in excess of \$500 to the Indigent Defense System Revolving Fund.

[LESS]

House passes wind agreement trailer bill

(eCap) A wind industry agreement trailer bill received approval Tuesday from the House.

SB0593, by Sen. Mike Schulz, R-Altus, and Rep. Charles McCall, R-Atoka, modifies the requirements for the notification of intent to build a wind energy facility. The bill specifies the terms of terms of notification and adds a requirement for an affidavit in certain situations. It removes language that prohibits the development of wind energy facilities within 1 1/2 miles of land where an application had been submitted to the Federal Aviation Administration (FAA) for the development of a private airstrip or airport.

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The bill was presented by Rep. Jon Echols, R-Oklahoma City.

Echols said there is intent to file an additional trailer bill to go back to the original agreement in which the Aeronautics Commission would inspect airports included in the bill's language. The original bill included that language, though Echols said the Aeronautics Commission did not have the funding to do so.

He noted that a trailer bill will likely be drafted in order to find a funding solution.

The bill and its emergency clause passed by a vote of 92 to 1.

The following bills passed:

- **SB0055**, by Sen. Ron Sharp, R-Shawnee, and Rep. Tess Teague, R-Choctaw, creates the Sooner State ABATE License Plate, which will be issued to any person wishing to provide financial support for Sooner State ABATE. It requires the license plates be designed in consultation with Sooner State ABATE. The bill authorizes the Tax Commission to enter into a licensing agreement with Sooner State ABATE for any licensing fees which may be required in order to use the association's logo or design that provides for a payment to Sooner State ABATE of not more than \$20 for each license plate issued. It creates the Sooner State ABATE License Plate Revolving Fund for the benefit of the Oklahoma Department of Public Safety. It permits money from the fund to be expended by the department to provide grants to Sooner State ABATE for programs to promote its mission. The bill passed by a vote of 91 to 1.

- **SB0068**, by Sen. Randy Bass, D-Lawton, and Rep. Rande Worthen, R-Lawton, creates the A Brotherhood Aiming Toward Education of Oklahoma (ABATE) License Plate License Plate, which will be issued to any person wishing to provide financial support for ABATE of Oklahoma Foundation. It requires the license plates be designed in consultation with ABATE of Oklahoma Foundation. The bill authorizes the Tax Commission to enter into a licensing agreement with ABATE of Oklahoma Foundation for any licensing fees which may be required in order to use the association's logo or design that provides for a payment to ABATE of Oklahoma Foundation of not more than \$20 for each license plate issued. It creates the ABATE of Oklahoma License Plate Revolving Fund for the benefit of the Oklahoma Department of Public Safety. It permits money from the fund to be expended by the department to provide grants to ABATE of Oklahoma License Plate Revolving Fund for programs to promote its mission. It provides money accruing to the fund be budgeted and expended by the Department of Public Safety for the purpose of providing grants to the ABATE of Oklahoma Foundation for programs to promote its mission. The bill passed 84 to 1.

- **SB0076**, by Sen. Randy Bass, D-Lawton, and Rep. Kevin McDugle, R-Broken Arrow, creates the Prisoner of War and Missing in Action License Plate, which will be issued to any person wishing to increase awareness of those who are currently prisoners of war or missing in action and to provide financial support for current veterans. It requires the license plates be designed in consultation with Rolling Thunder Oklahoma. It provides the fee collected will be deposited in the Prisoner of War and Missing in Action License Plate Revolving Fund created by the bill. The bill passed by a vote of 85 to 1.

- **SB0091**, by Sen. Kimberly David, R-Porter, and Rep. Leslie Osborn, R-Mustang, requires notice to be sent to the last known address of the owner of the real property on which a manufactured home is located if personal property taxes on a manufactured home that is located on property not owned by the owner of the manufactured home. The bill passed 88 to 1.

- **SB0668**, by Sen. Wayne Shaw, R-Grove, and Rep. Josh West, R-Grove, states the Legislature's recognition that an effective program for preserving the scenic beauty of the free-flowing streams and rivers designated as a scenic river area necessarily involves the cooperation and support of the people in the operating areas of a designated scenic river, as well as the people using the scenic river, and the agencies of state government administering these areas and that the primary purpose of the Scenic Rivers Act is to encourage the preservation of the areas designated as a scenic river area in their natural scenic state. It removes the requirement that certain statutory provisions and administrative rules of the Scenic Rivers Commission remain in effect until July 1, 2017. The bill and its emergency clause passed 87 to 1.

- **SB0811**, by Sen. Kimberly David, R-Porter, and Rep. John Enns, R-Enid, removes restrictions related to residential substance abuse centers. The bill passed by a vote of 93 to 2.

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The House will reconvene Tuesday at 9:00 a.m.

[[LESS](#)]

House Transportation fails one measure, okays eight others

(eCap) One bill failed to receive passage Tuesday from the House Transportation Committee after one member called it "un-American."

SB0767, with enacting clause stricken, by Sen. Randy Bass, D-Lawton and Park, requires all employers authorized to do business in this state that employ drivers of commercial trucks with a gross combination weight of 26,001 pounds or more, whether by using an in-house driver or a hired driver, to disclose to the prospective driver the contracted price for paid mileage between the employer and the destination entity prior to the delivery of a product. It requires any document deemed as the contract between the employer and the driver to reflect that stated amount and that amount to be paid to the driver upon completion and signed by both parties. It provides the bill does not prevent an employer and a driver from negotiating different terms for payment of mileage so long as the original amount and the agreed amount are reflected. It provides any employer not in compliance is subject to any civil remedy available to a petitioner, including the difference in any discrepancy between the amount paid to a driver to perform a job and the exact amount paid to an employer along with court costs and recovery of attorney fees. It requires any judgment entered against an employer be disclosed to all licensing regulating bodies of the employer.

"This bill will require who you're subcontracting to know how much money you're making?" asked Rep. Casey Murdock, R-Felt.

With the no further questions, Murdock quickly jumped in queue to debate against the bill.

"This bill is just un-American," he said. "If you have to divulge what profits you're making in my opinion that's just wrong. I'm totally against this bill and can't say any more firmly this is just un-American," he said.

Park didn't quite debate in favor of the measure, saying he understood Murdock's point of view and said he "respects his opinion."

In closing debate, Park simply thanked members for allowing him to present.

The bill failed 6 to 2.

The following bills passed:

· **SB0014**, by Sen. Stephanie Bice, R-Oklahoma City, and Rep. Ryan Martinez, R-Edmond, creates the Oklahoma Fosters License Plate for persons wishing to demonstrate support for the Oklahoma Fosters Initiative which will be designed in consultation with the Oklahoma Fosters Initiative and the Red Dirt Jeeps License Plate for persons wishing to demonstrate support for Red Dirt Jeeps and which will be designed in consultation with Red Dirt Jeeps, L.L.C. It creates the Oklahoma License to Educate license plate for individuals wishing to demonstrate support for Oklahoma educators. It requires the plate to be designed in consultation with the State Department of Education. It requires the fee for the plate to be deposited in the Oklahoma Teacher Recruitment Revolving Fund, which will be created by other legislation (SB0015). It also creates the Piedmont Education Foundation License Plate for those wishing to demonstrate support for the Piedmont Public Schools Education Foundation. It requires the plate to be designed in consultation with the foundation. It creates and requires the fee for the plate to be deposited in the Piedmont Education Foundation License Plate Revolving Fund. It establishes a process for distributing revenue from the fund to the foundation. It creates The Pride of Oklahoma to be issued to any person wishing to demonstrate support for the University of Oklahoma Marching Band and to be designed in consultation with the University of Oklahoma Marching Band. It establishes a process for distributing revenue from the plates.

· **SB0023**, by Sen. Mark Allen, R-Spiro, and Rep. Steven Vaughan, R-Ponca City, reduces the maximum number of person to be carried in a taxicab from 10 to eight.

SB0026, by Allen and Vaughan, modifies the definition of the term "bus" by reducing the minimum number of passengers from 10 to eight.

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- **SB0085**, as amended, by Sen. Jack Fry, R-Midwest City, and Rep. Dustin Roberts, R-Durant, requires municipally-owned utilities in communities of 5,000 or more population to pay the furnish the funds to pay the cost of the removing or relocating of utility facilities located in either privately owned or public rights-of-way for the construction of interstate highways. The bill updates statutory references. The amendment adds language clarifying the party responsible for moving costs.
- **SB0094**, by Sen. Randy Bass, D-Lawton and Rep. John Montgomery, R-Lawton, designates the bridge over Medicine Bluff Creek on Interstate 44 located approximately two and one half miles north of US-62 West as the CPL Wilfred Flores Jr. Memorial Bridge. The amendment designates the bridge over Ross Lake on Highway 62 in Muskogee County as the SPC Cody Levi Cooksen Memorial Bridge.
- **SB0196**, with enacting clause stricken, by Sen. Gary Stanislawski, R-Tulsa and Rep. Elise Hall, R-Oklahoma City, creates the Oklahoma Aeronautics Commission License Plate to be designed and issued to any person wishing to demonstrate support for the Oklahoma aviation industry and to promote awareness of aviation and aerospace. Such plates shall be designed in consultation with the Oklahoma Aeronautics Commission. It requires \$24 of the fee for the plate to be deposited in the Oklahoma Aeronautics Commission Revolving Fund and used for promoting aviation and aerospace awareness and for providing financial support for programs to address the shortage of pilots and aerospace engineers.
- CS to **SB0317**, by Sen. Larry Boggs, R-Wilburton and Rep. Scooter Park, R-Devol, permits all-terrain vehicles to be operated on roadway right-of-way along state highways and within unincorporated areas within a county so long as the operation occurs within daylight hours.
- **SB0477**, by Sen. Joe Newhouse, R-Broken Arrow and Rep. Charles Ortega, R-Altus, clarifies a reference to Federal Aviation Administration standards. It modifies the definition of the term "incompatible purpose" in the Aircraft Pilot and Passenger Protection Act. It exempts a permit from being required for a temporary structure that will be in place for less than 24 hours. The bill allows permits to be amended under certain conditions.

[LESS]

House Common Education approves RSA legislation, six others

(eCap) The House Common Education Committee gave its approval to a Senate version of a bill that makes revisions to the Reading Sufficiency Act.

SB0084, as amended, by Sen. Micheal Bergstrom, R-Adair, and Rep. Katie Henke, R-Tulsa, adds the, 2019-2020, 2020-2021, 2021-2022 and 2022-2023 school years to the years that each school district is required to report the number of students who did not pass the reading sufficiency test and was promoted to a subsequent grade. The bill also modifies the requirements for the Reading Report Card. The amendment corrects a scrivener's error.

Henke, who ran a similar bill that currently sits in the Senate, said the duplicate bill reflects amendments requested by the Oklahoma Department of Education and Sen. Gary Stanislawski, R-Tulsa, who chairs the Senate Education Committee.

The biggest change, she said, is that the bill allows for a two year grace period before students who fall in the limited knowledge category are to be evaluated for retention under the RSA.

"When that (language) was put into place we were not anticipating we would be adopting new standards and testing all at the same time," Henke explained. She said OSDE is concerned that the sudden increase in the number of students needing evaluation mixed with the current fiscal climate will result in "a huge hardship" for Oklahoma schools.

In 2015-16, 7400 students scored limited knowledge and another 5300 did not meet RSA criteria, Henke said.

"Without changing the test, we can assume those not meeting the RSA criteria will likely double under new testing standards. We can anticipate it will double but it could be more than that," Henke told members.

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The second biggest change from her version, Henke added, is the Senate bill makes the parent-teacher retention evaluation committees permanent in two years time unless action is taken by the Legislature. Her bill would make the change immediately.

Asked if the amendments were friendly, she hesitated and replied "sure" after a pause.

"If you had your choice, does this meet your end goal for what you want to do with RSA?" asked Chairman Michael Rogers, R-Broken Arrow.

Henke said she would rather see the teams be made permanent now but said she was "okay" with this version.

Rep. Dennis Casey, R-Morrison, expressed support for Henke's original bill but said he would vote for this bill less her House bill be held hostage across the rotunda.

The following bills were also given do pass recommendations:

- **SB0002**, with title stricken, by Sen. J.J. Dossett, D-Sperry, and Henke, removes the requirement to administer assessments in U.S. history from the statewide student assessment system. The bill also updates a statutory reference.
- **SB0081**, as amended, by Sen. Ron Sharp, R-Shawnee, and Rep. Jadine Nollan, R-Sand Springs, lowers the grade level to third from sixth at which point a student may be suspended for assaulting, attempting to cause physical bodily injury, or acting in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. It provides the term of suspension cannot be less than three days.
- **SB0210**, by Sen. Eddie Fields, R-Wynona, and Casey, allows a person related within the second degree of affinity or consanguinity to a board of education member to be employed as a teacher.
- CS to **SB0428**, by Sen. Jason Smalley, R-Stroud, and Henke, allows members who retired as active classroom teachers, who have been retired and receiving a benefit for at least one year, and who have not been employed by any public school during that one-year period, to be eligible to be re-employed as an active classroom teacher with no limitations on earnings for a period of three years beginning July 1, 2017.
- CS to **SB0514**, by Stanislawski, and Casey, creates until July 31, 2018, a task force to study and make recommendations to the Legislature on costs, eliminating duplicative overhead costs and improving efficiency among school district operations. The bill specifies the task force's study and specifies membership. The bill requires the task force to submit a report of its findings and recommendations by August 1, 2018, to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the chairs of the education committees of the Senate and the House of Representatives.
- **SB0725**, by Sen. A J Griffin, R-Guthrie, and Rep. Chad Caldwell, R-Enid, requires each school district to report the number and type of exemptions from vaccinations to the State Department of Health on or before July 1st of each year and to include information from the most recently completed school year. It requires the State Department of Education and the State Department of Health to promulgate necessary rules.

Also on Monday, the following measures were laid over:

- **SB0070**, by Sen. Julie Daniels, R-Bartlesville, and Rep. Earl Sears, R-Bartlesville, requires the State Auditor and Inspector to perform an independent, comprehensive performance audit on the State Department of Education during the fiscal year beginning July 1, 2017. It gives the auditor and inspector the power to take custody of any records necessary to the performance of the audit but requires him to minimize actual physical removal of or denial of access to such records. It requires the auditor and inspector at the conclusion of the audit to meet with the State Superintendent of Public Instruction and the State Board of Education to review the audit report to be issued. It requires the report when issued to include any responses to the audit which the State Superintendent of Public Instruction or the State Board of Education wishes to have included. It requires the State

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Auditor and Inspector to file the report with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. It requires the State Board of Education to post the completed report to its website.

- **SB0389**, by Stanislawski, and Rogers, modifies review requirements for the State Aid formula. It requires State Board of Education to review the pupil grade level weights, district weights and pupil category weights and to make recommendations for revisions to the Governor, House Speaker and Senate President Pro Tempore on or before Dec. 31, 2017, and at least once each five years thereafter. It removes an outdated reference to the Special Joint Committee on School Finance and requires the board to seek input from experts in the field of education finance. It removes the requirement that the board review that part of the State Aid formula which provides for a midterm supplement in State Aid to school districts.

- **SB0390**, by Stanislawski, and Caldwell, corrects references to the Commission on Educational Quality and Accountability. It requires the commission by Nov. 1, 2017, to adopt rules requiring coursework or training in the use of digital and other instructional technologies as a requisite for program accreditation. The bill also requires the professional development procedure to include digital teaching and learning standards to enhance content delivery to students and improve student achievement.

- **SB0425**, by Sen. John Sparks, D-Norman, and Rep. Chris Kannady, R-Oklahoma City, requires any public or private institution of higher education that is a member of a governing authority to have a cause of action against a third party who engages or conspires with another to engage in conduct in violation of the rules of the governing authority that causes the educational institution to incur sanctions by the governing authority or other economic penalties or losses. It allows said educational institution to recover damages in the amount of the sanctions, penalties or economic losses incurred as a result of the conduct of the third party, and reasonable attorney fees and costs.

[LESS]

House A&B Education passes measure modifying OHLAP

(eCap) A bill that, according to its author, enhances Oklahoma Higher Learning Access Program (OHLAP) and could assist an additional 1,050 students in attaining a higher education degree passed the House Appropriations and Budget Subcommittee on Education Monday.

SB0529, by Sen. Jason Smalley, R-Stroud and Rep. Katie Henke, R-Tulsa, modifies the qualifications and criteria required for students to participate in the Oklahoma Higher Learning Access Program. It requires an award for eligible Oklahoma Higher Learning Access Program students enrolled in a postsecondary vocational-technical program offered by a technology center school that meets the requirements to be eligible for federal student financial aid be satisfied for both vocational-technical and college work in which enrolled. It expands to the scope of student ineligible for the program with parents that meet updated income requirements.

Rep. Regina Goodwin, D-Tulsa, said she believed OHLAP could already be used for vocational schools.

Henke said current state statute limits those programs included to those in a cooperative agreement. This bill, she said, opens that up to allow for more programs to be included as long as they qualify for federal financial aid.

"The cooperative agreement is a more narrow list of programs available. This is going to open that up to those that are eligible... It's going to expand the list of programs available," she said.

Goodwin also asked about the GPA modification included in the bill.

Henke explained that rather than leaving an across-the-board 2.5 GPA requirement, the new language allows for individuals to perform at the level required by the institution.

"At the end of the day we want these students to graduate with a degree," said Henke. "We don't want them to drop out, we don't want them to get kicked off the scholarship and we also don't want them to not try for a degree in a more challenging area because they're worried about that GPA requirement."

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When asked about the bill's fiscal impact, Henke said the bill would include a price tag of an additional \$2.6 million, though that would serve an additional 1,050 students.

The bill received a do pass recommendation from the committee.

The following bills received do pass recommendations:

- **SB0015**, by Sen. Stephanie Bice, R-Oklahoma City, and Rep. Ryan Martinez, R-Edmond, requires the State Department of Education and the Oklahoma State Regents for Higher Education, subject to the availability of funds, to develop and implement programs to identify and recruit students and others persons into the teaching profession, including but not limited to high school and undergraduate students, mid-career and retired professionals, honorably discharged and retired military personnel and members of underrepresented gender and ethnic groups; develop and distribute materials that emphasize the importance of the teaching profession and inform individuals about state-funded loan forgiveness and tuition assistance programs; give priority to developing and implementing recruitment programs to address the areas of teacher shortage identified and the recommendations made in the educator supply-and-demand study and permits the State Department of Education to use discretionary funds to do so; encourage cooperation between the business community and school districts to develop recruitment programs designed to attract and retain capable teachers, including programs to provide summer employment opportunities for teachers; and encourage major education associations to cooperate in developing a long-range program promoting teaching as a prestigious, respected and desirable career and to assist in identifying local activities and resources that may be used to promote the teaching profession. It creates the Oklahoma Teacher Recruitment Revolving Fund and requires that \$20 from the Oklahoma License to Educate license plate fees be deposited into the fund.

- CS to **SB0261**, by Sen. Eddie Fields, R-Wynona, and Rep. Dennis Ray Casey, R-Morrison, establishes a task force until December 31, 2017 to study and make recommendations to the Legislature on improving the State Aid formula. It directs the task force's study to include but not be limited to the grade level weights, the student category weights and the transportation factor of the State Aid formula. The bill establishes membership and directs the meetings to be subject to the Oklahoma Open Meeting Act. It prohibits members of the task force from receiving compensation or travel reimbursement and directs the State Department of Education to provide staff support. The bill directs the task force to submit a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the chairs of the education committees of each chamber. The committee substitute expands the scope of the task force to include the student category weights and the transportation factor of the State Aid formula; and efficiencies and cost-saving measures regarding the footprint of school districts.

- **SB0690**, by Sen. Kimberly David, R-Porter, and Rep. Lewis Moore, R-Arcadia, requires the State Regents for Higher Education, Oklahoma Military Department, and schools of social work in this state to develop a Guard Advocacy Program (GAP) for Oklahoma National Guard soldiers and airmen that will include curricula designed to facilitate and improve access to community resources that improve health; increase social support; increase productivity; and prevent life-skills and life-crisis issues from developing into behavioral health emergencies. It requires the State Regents, the Adjutant General and the State Board of Licensed Social Workers to necessary rules.

The following bill was laid over: CS to **SB0359**, by Sen. Gary Stanislawski, R-Tulsa, and Rep. Michael Rogers, R-Broken Arrow, requires the governing board of a charter school to submit a request to the board of education of the school district to participate in a local bond election. It stipulates the items to be included in the request.

The committee substitute deleted language allowing a charter school located within the school district shall have the right of first refusal to purchase or lease the property at or below fair market value.

[LESS]

Four-day school week generates discussion in Senate Education Committee

(eCap) A bill seeking to determine savings realized by school districts going to a four-day school week was the subject of the most discussion Monday morning during a meeting of the Senate Education Committee.

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The CS to **HB1684**, with title stricken, by Rep. Harold Wright, R-Weatherford, and Sen. Eddie Fields, R-Wynona, requires a school district that adopts a four-day school week and any related rules to submit a plan to the State Board of Education no later than September 1 of each year. It specifies the contents of the report including the goals sought to be achieved, the intended educational and fiscal benefits and the anticipated impacts or outcomes the plan will have in the school district. It adds that schools which adopt a four-day school week by the effective date of this act are required to submit a report to OSDE by August 1 and those who adopt one after that are to submit a plan by August of the following year. The bill specifies content and requires OSDE to compile the reports and submit them to the chairs of the education committees of the Senate and House. The bill also requires that school districts adhere to a minimum of 170 days of instruction.

Fields said there's a lot of conflicting information regarding a shortened school week and the potential savings involved.

"Some districts say they are saving money but some national surveys say they are not," Fields told committee members. He said the bill was also brought forward out of concern for students on an individualized education plan (IEP) who require a five-day school week unless otherwise authorized by their parents.

He said one of his school districts is among those considering a four-day week schedule and claim they can save up to 10 percent in costs.

"This (bill) allows them to gather data to ensure all schools are meeting their goals," Fields noted.

Current law does not require school districts to seek approval from the State Department of Education when a school board votes to shorten the school week. Carolyn Thompson, government affairs director with OSDE, said the department is only made aware of those schools during an accreditation check.

Fields emphasized that the bill maintains local control practices and is simply a means of gathering data.

"This is not an oversight bill. It is local control. It is just for compiling data to see if they are saving money or not," he said.

Some members expressed concerns with burdensome paperwork in collecting this data. Fields said he's still working through it to see if the bill's contents will require paperwork or if it can be done online and if this is something OSDE can already do with their current employees.

Asked if his bill was an effort to do away with four-day school weeks, Fields denied those allegations. Some noted that the requirement of 170 days of instructions, as opposed to the required 1080 hours, would make it difficult for schools to go to a four-day week.

Other senators pointed out that shortening the school week is more than just money. Some school districts are using it as a recruiting tool to attract teachers to the state despite low pay.

Thompson agreed but noted that no significant savings have been found by districts going to a four-day week.

A recent statewide survey by the Cooperative Council for Oklahoma School Administration and Oklahoma State School Boards Association found at least 44 more school districts may cut the number of school days and adopt a four-day school week. The new survey was completed by 229 districts that enroll more than two-thirds of Oklahoma's public school students.

The bill received a do pass recommendation by a vote of 9 to 5.

Also on Monday, the committee approved a bill providing for the state's new accountability measures, including a new A-F grading system for Oklahoma schools. Under new federal guidelines, the state is not required to adopt a letter grade for school sites but local officials have opted to maintain the controversial system.

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HB1693, by Rep. Scott Martin, R-Norman and Stanislawski, allows the State Department of Education to develop and adopt an alternate system of accountability for statewide virtual charter school and schools serving only prekindergarten through second grade. It establishes a multi-measures approach in accordance with the Elementary and Secondary Education Act of 1965 and establishes guideline. It deletes language relating to prior assessment guidelines.

Stanislawski said the idea is to create more transparency for parents under a more accurate measurement.

"The only reason for not having a letter grade is to mask and try to hide performance. Just like a student has a GPA and everyone clearly understands what that means, a clearly summative letter grade...is understood," he said.

Members from both sides of the aisle expressed concern for assigning a single letter grade, saying it unfairly labels schools. The bill is required to fulfill ESSA requirements, though the summative letter grade is not.

"When you place one grade on a school site, it's a detriment to the school and community," said Vice-Chairman Ron Sharp, R-Shawnee. "We have to come up with something better."

Stanislawski said the bill contained more than just grading language and was necessary for the department to adopt.

"It's not just a bill about A-F, there are elements of it which people disagree with" he replied when asked about various education entities' support for the measure.

The bill received a do pass with a 12 to 3 vote.

In other business, the committee also took up **HB1862** and proceeded to strike title.

HB1862, by Rep. Leslie Osborn, R-Mustang, and Sen. Jason Smalley, R-Stroud, allows the Oklahoma Educational Television Authority to appoint the chief executive officer of their foundation to serve concurrently as the OETA Executive Director, in which case he or she is to be compensated solely by the foundation.

The bill was amended to include language that would require a Senate confirmation hearing for the executive director position.

Asked if the bill would create a conflict of interest between the foundation and the agency, Smalley disagreed.

"Every year I have been elected I am asked to cut OETA altogether. We either cut the cord or give them more options and flexibility," he said. "This is a great way to not have another state employee with benefits."

The bill also received approval and will move to the Senate floor.

The following were also approved by the committee:

The CS to **HB1161**, by Rep. Michael Rogers, R-Broken Arrow, and Sen. Gary Stanislawski, R-Tulsa, modifies the requirements of a policy evaluation and professional development adopted by a board of education of a school district. The bill allows a school district board to adopt additional components and procedures in addition to the mandated components. The bill removes the mandate that every career teacher be evaluated every three years and allows evaluation at the discretion of the school district, provided, that every career teacher participate in an annual or biannual profession growth plan review. It allows the board to establish a remediation plan for teachers who receive a rating below the acceptable level of performance. The bill allows the dismissal of a teacher who has engaged in sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties.

· **HB1201**, by Rep. Dennis Ray Casey, R-Morrison, and Sen. Marty Quinn, R-Claremore, modifies information relating to the School District Transparency Act. It deletes the requirement for school districts to provide copies of all credit card statements, identified by the department responsible for each credit card.

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- **HB1206**, by Casey, R-Morrison, and Sen. Dewayne Pemberton, R-Muskogee, it allows a special education teacher who has not completed an Oklahoma Commission for Teacher Preparation approved education program in elementary education or early childhood but who has completed the subject area portion of the exam to be certified in special education settings only.
- **HB1506**, by Rep. Chuck Strohm, R-Jenks, and Stanislawski, allows school districts to store all student records in either a single or multiple file formats and include all academic and extracurricular honors and awards received, all degrees conferred and extracurricular or after-school activities.
- The CS to **HB1602**, with title stricken, by Rep. John Enns, R-Enid, and Sen. Ron Sharp, R-Shawnee, requires each school district board of education to adopt a grading policy for all students attending public school in that district. It requires the policy to include provisions for the assignment of grades on class assignments, examinations and final class grades. It specifies the provisions. It requires the State Board of Education to promulgate rules.
- **HB1621**, by Rogers and Stanislawski, requires benefits based on service in employment of an educational service contractor be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to the Employment Security Act of 1980. It provides exemptions.
- The CS to **HB1623**, by Rep. Bobby Cleveland, R-Slaughterville, and Sen. Robert Standridge, R-Norman, prohibits school district personnel from using corporal punishment on students who are multiple handicapped or physically handicapped unless addressed in an annual individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).
- **HB1755**, by Rep. Katie Henke, R-Tulsa, and Sen. Jason Smalley, R-Stroud, modifies the requirement for evaluation of out-of-country teacher certifications. It removes the requirement that they be analyzed by an educational credential evaluation service approved by the National Association of Credential Evaluation Services (NACES) and requires that they be analyzed by an educational credential evaluation service in accordance with industry standards and guidelines and approved by the State Department of Education.
- **HB1760**, with title stricken, by Henke and Smalley, requires a Student Reading Proficiency Team to develop a new reading program for any third-grade student found not to be reading at grade level as determined by reading assessments. The bill clarifies language related to the demonstration of proficiency. It removes language related students not eligible for automatic promotion and who score at the below proficiency or limited knowledge levels on the reading portion of the third-grade statewide criterion-referenced test for schools years 2016-2017 and 2017-2018. It requires students who score at the unsatisfactory level on the reading portion of the statewide third-grade assessment and who are not subject to a good-cause exemption and who do not qualify for promotion or probationary promotion be retained in the third grade and provided intensive instructional services and supports. It modifies school district reporting requirements.
- **HB1790**, by Rep. Edward Cannaday, D-Porum, and Pemberton, allows each school district in this state to offer a remediation course for high school students who score below a 19 on the American College Testing (ACT) exam.
- **HB2156**, by Rep. Jadine Nollan, R-Sand Springs, and Sharp, expands the core curriculum of a public school to include world language or a foreign or non-English language.
- **HB2277**, by Rep. Terry O'Donnell, R-Catoosa and Quinn, requires pupils in public schools to recite the pledge of allegiance to the flag of the United State of America daily.

[LESS]

Advocates for HIV/AIDS education update convene at Capitol

(eCap) Supporters from across Oklahoma convened at the Capitol Building Monday to advocate for an update to outdated HIV/AIDS education.



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Monday's event represented the first-ever National Youth HIV and AIDS Awareness Day recognized at the Capitol, as organized by the Oklahoma AIDS Care Fund. Attendees heard presentations provided by legislators, including Representatives Emily Virgin, D-Norman, and Jason Dunnington, D-Oklahoma City, and Sen. A J Griffin, R-Guthrie.

Cher Golding, executive director of the Oklahoma AIDS Care Fund, said the legislative presentations pertained to advice on citizen advocacy as many that attended had never done so before.

"It's hard when you have a topic that's controversial to begin with and then you've never met with a legislator," Golding said. "We really wanted to make this an easy process for folks."

Advocates took meetings with their representatives to provide information and accrue support for legislation that would update mandated HIV/AIDS prevention education in the state's public schools. Such legislation, authored by Virgin, failed to advance off the House floor last month.

HB1538  , by Virgin and Griffin, requires HIV and AIDs prevention education be taught in public schools in Oklahoma. It requires medically accurate materials and current information. The bill specifies what curriculum will be taught to students. It allows parents to review said material.

Golding said while advocates were encouraged to meet with their respective representative, her organization also hoped to meet with those who voted nay or not at all on **HB1538**   as to clear up any concerns and also turn the conversation back towards public health. The education in question has not received an update since 1987, with research and facts known on the disease having advanced considerable in the intermitting years.



A common concern shared by legislators while the bill was on the House floor related to cost, which Golding emphasized would be minimal to zero cost at worst, with electronic and media presentations ready for use.

"This is curriculum that's already at the Health Department. The State Department of Education just needs access to curriculum that is current," she explained. "You've got to be able to become current with the times to be able to have current conversations and find current curriculum."

She noted district choice and the parent opt out still remained a provision as to quell concerns abstinence-centered education would be potentially phased out. However without knowledge and education in prevention, she added, the matter could arise into a public health issue.

"Who wouldn't want to get the most accurate curriculum taught in the schools," Golding posited.

A similar bill, **SB0246**  , advanced from the Senate, but failed to gain a hearing before day's end.

SB0246  , by Sen. Anastasia Pittman, D-Oklahoma City, and Rep. Cyndi Munson, D-Oklahoma City, modifies terms and definitions related to AIDS prevention education. The bill modifies the type of prevention education to be in schools by adding an emphasis on modes of transmission, prevention methods, virology and relevant statistics. It directs the State Department of Education to develop or provide medically accurate resources for HIV/AIDS prevention education in conjunction with the State Department of Health and requires approval of such materials by the State Department of Health at least every two years. The bill also states that HIV/AIDS prevention education should teach students that participating in high-risk sexual activity, injection drug use of contact with contaminated blood products is known to be the primary means for the transmission and contraction of HIV. It removes references to engaging in homosexual activity as a primary means of contraction.

Golding said the bill was not heard due to timing and more pertinent priorities for the Legislature, based on comments shared by legislators to her. Ky Humble, fundraising coordinator for the Recovery Center in Oklahoma City, said he heard similar comments from legislators.

"The most resistance I would say would be not necessarily focused on the specifics of the HIV education bill. It's more so in the

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hustle and bustle of being able to get 15 of the other bills heard," Humble explained.

Humble worked alongside Virgin for a number of years to see the update language through. He has also met with members as means of putting a face to the disease.

"I'm HIV positive so I can speak directly to them [legislators] about real-life situations and ending the stigma of what reality is versus what they think reality is," Humble said, adding he received a great reception and feedback from all those he spoke to.

"I think they all realize there is a need for a change in the education portion just because it is so outdated," he surmised.

While on the floor, Rep. Chuck Strohm, R-Jenks, asked Virgin if she felt [HB1538](#) represented "Oklahoma values." Virgin stated she felt Oklahomans were overwhelmingly in support of reducing HIV/AIDs case in the state.

When posited the same question, Humble responded, "Saving the lives of Oklahomans is an Oklahoma value." He posited protecting life represented a "baseline" of what the Legislature values most.

"I would hope that if one of their children or family members were put in such a situation, they would have the resources to get the help that they need and that is exactly what this is doing," he argued. "It's giving people the information needed to make life decisions that are going to better their lives and the lives of their families."

The fact the update has bi-partisan support, Humble continued, served as an encouraging sign of its eventual passage. He referred to the legislation as a conversation starter as it lays groundwork for improved education for youth, which could one day lead to addressing other similar issues.

He assured that he, along with other advocates like him, would be back next year and every after to encourage such legislations advancement.

"We will keep fighting for this and a litany of other issues that might arise," he surmised.

[\[LESS\]](#)

A&B subcommittee passes bill clarifying Supreme Court fund usage

(eCap) Legislation meant to clarify who controls and allocates funds of Oklahoma's Supreme Court received a do pass Monday from the House Appropriations and Budget Subcommittee on General Government.

[SB0114](#), by Sen. Ron Sharp, R-Shawnee, and Rep. Scott Biggs, R-Chickasha, modifies language related to the allocation of funds to the District Court Revolving Fund. The bill specifies that the monies are allocated by the Supreme Court for the administration of the district courts and that monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Supreme Court as necessary to perform the duties imposed upon the district courts by law.

Biggs explained, "As it stands, district courts collect a lot of fines, costs (and) fees...they send all that money to the Supreme Court. The Supreme Court then divvies it up and allocates it out."

He added there are currently five court clerks who believe they should control the allocation of the District Court Revolving Fund referred to in the legislation.

"What we're doing is simply clarifying it as the Supreme Court's fund," he surmised. "District courts operate on behalf of the Supreme Court. (They) are collecting that money for them so they can put it in their fund and allocate it out as they see fit."

Rep. Mark Lawson, R-Sapulpa, asked Biggs how the Supreme Court determines how much any particular county receives.

"That is up to their discretion," Biggs responded, noting there are larger counties with a single courthouse but smaller counties

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with multiple.

Members went on to approve two other Senate bills carried by Rep. John Pfeiffer, R-Mulhall:

- **SB0214**, by Sen. A J Griffin, R-Guthrie, and Pfeiffer, modifies definitions related to the Oklahoma Private Activity Bond Allocation Act. It requires 53 percent of the state ceiling be reserved and placed in a pool to be designated the Oklahoma Housing Finance Agency Pool. It modifies designations to the state ceiling pool designations application requirements.

- **SB0326**, by Sen. Jason Smalley, R-Stroud, and Pfeiffer, requires the Office of Management and Enterprise Services (OMES) to combine the following non-mandatory construction and property services provided by the agency into one program to be managed by the Office: The Roof Asset Management Program (RAMP); The On-Call Consultants Program; The Testing Program; and The Land Surveying Program. It requires OMES to collect a fee for services provided under the Roof Asset Management Program (RAMP), or a successor program authorized by statute or agency, of no more than 1.0 percent of the roofing contract price. It limits any contract for roofing repairs or replacement entered into on behalf of a state agency or political subdivision by the Office of Management and Enterprise Services utilizing an ongoing contracting program through the Roofing Asset Management Program (RAMP) or a successor program authorized by state or agency rule to no more than \$50,000.

[LESS]

Senate okays private school debit, credit card surcharge measure, other bills

(eCap) A bill allowing private schools to pass-on fees for the use of debit and credit cards won the Senate's approval Monday but not before some members questioned the bill. Several other bills also won the chamber's approval.

HB2178, by Rep. Charles Ortega, R-Altus and Sen. Gary Stanislawski, R-Tulsa, passed 29 to 14. The bill allows private schools to charge service fees in relation to the surcharge for the use of credit or debit cards. The bill passed 29 to 14.

In a series from questions from Sen. Dan Newberry, Stanislawski explained that the schools had to be permitted to pass-on the fee.

Sen. Kay Floyd, D-Oklahoma City, questioned whether there would be any limits on the surcharges. Stanislawski said the schools would be limited to those imposed by the vendors processing the cards and would be required to disclose the fees. He said the purpose of the fee was not to raise money for the schools but to recoup their costs of processing the payments.

Sen. Bryce Marlatt, R-Woodward, asked if it would apply to public schools. Stanislawski said it would not.

There was no debate on the measure before it was put to a vote.

The following bills passed Monday:

- **HB1108**, by Rep. Bobby Cleveland, R-Slaughterville, and Sen. Ron Sharp, R-Shawnee, replaces all references to the Association of County Commissioners of Oklahoma to the Oklahoma Cooperative Circuit Engineering Districts Board when relating to the Department of Transportation County Advisory Board. The bill passed 38 to 7.

- **HB1464**, by Rep. Jon Echols, R-Oklahoma City, and Sen. Nathan Dahm, R-Broken Arrow, modifies population requirement for counties from 500,000 to 150,000 in which the board of commissioners may construct, improve or maintain any streets. The bill passed 37 to 8.

- **HB1501**, by Rep. Scott Fetgatter, R-Okmulgee, and Sen. Roger Thompson, R-Okemah, decreases the frequency of the required regular meetings of the Oklahoma Wildlife Conservation Commission to nine times per year, not exceeding one meeting per month. The bill passed 43 to 1.

- **HB1559**, by Rep. Jon Echols, R-Oklahoma City, and Sen. Ervin Yen, R-Oklahoma City, adds any federal Food and Drug

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Administration-approved cannabidiol drug or substance to the definition of the term "Marihuana." The bill passed 44 to 0.

- **HB1577**, by Rep. Chad Caldwell, R-Enid, and Sen. Gary Stanislawski, R-Tulsa, requires school districts to include on their website an itemized accounting of all vacant or unused properties owned, leased or under the control of a school district. The bill passed 36 to 6.

- **HB1606**, by Rep. John Enns, R-Enid, and Sen. Roland Pederson, R-Burlington, deletes specific herbicide application methods. It requires the approval and registration with the Oklahoma Department of Agriculture Food, and Forestry for herbicides used for eradicating plants. The bill passed 42 to 0.

- **HB1622**, by Rep. Michael Rogers, R-Broken Arrow, and Stanislawski, requires a school district to notify a teacher is a school district intends to provide retirement benefits to a teacher such that the teacher's salary would be less than the minimum salary schedule. The bill passed 44 to 0.

- **HB1671**, by Rep. Todd Thomsen, R-Ada, and Sen. Greg McCortney, R-Ada, requires all criminal proceedings initiated against a CLEET-certified peace officer or reserve peace officer to be reported by the officer to CLEET immediately after arrest or discovery of the filings of the criminal proceeding. It requires officers to report when a Victim Protective Order has been issued against the officer. The bill passed 42 to 0.

- **HB1825**, by Rep. Chris Kannady, R-Oklahoma City, and Sen. Jason Smalley, R-Stroud, modifies definitions related to the Deployed Parents Custody and Visitation Act to include civilian personnel and contractor serving in designated combat zones. The bill passed 45 to 0.

- **HB2179**, by Rep. Charles Ortega, R-Altus, and Sen. Joe Newhouse, R-Broken Arrow, amends standards of the Aircraft Pilot and Passenger Protection Act. The bill allows the permittee to amend a permit once a permit under certain conditions. The bill passed 39 to 2.

- **HB2181**, by Rep. Charles Ortega, R-Altus, and Sen. Mike Schulz, R-Altus, clarifies the minute clerk of the board of each school district and the clerk of the governing body of each city and town must provide to those who request them the tentative minutes of every regular and/or special meeting within four business days, excluding the day of the meeting. The bill passed 45 to 0.

- **HB2236**, by Rep. Glen Mulready, R-Tulsa, and Stanislawski, reduces the number of employees from 50 to any of an insured employer health benefit plan providing health insurance to employees of employers to meet certain requirements. It requires the carrier, if the carrier requires the employer to submit any changes to the benefit plan prior to the anniversary or annual renewal date, to provide the information not later than 60 days before the date the employer is required to submit any changes. The bill passed 36 to 7.

- **HB2298**, with title, effective date and enacting clause restored, by Rep. Charles McCall, R-Atoka and Schulz, modifies the time period by which zero-emission facilities placed in production not later than July 1, 2017, to qualify for tax credits. The bill and its emergency clause passed 40 to 3. [Editor's Note: See related story, Senate passes wind tax credit sunset bill, sending it to Fallin]

HB1957, by Rep. Rhonda Baker, R-Yukon and Sharp, was laid over. The bill removes the requirement that a person enrolled in an alternative teacher placement program have at least two years of work experience which is related to the subject area of specialization if the person has only a baccalaureate degree with no postbaccalaureate work in a related area.

Sens. Frank Simpson, R-Ardmore, and John Sparks, D-Norman, questioned Sharp about the changes in the bill, saying what they saw on paper did not correspond with its description of the bill.

Sharp said the changes were requested by the State Department of Education to increase opportunities for individuals to obtain alternative teaching certifications.

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The Senate also adopted:

- **SCR0008**, by Sen. Dewayne Pemberton, R-Muskogee and Rep. Jason Dunnington, D-Oklahoma City, commends Oklahoma schools recognizing Oklahoma Schools of Character Day.
- **SR0014**, by Sen. Dave Rader, R-Tulsa, congratulates the University of Tulsa football team.

The Senate also requested permission from the House to be adjourned for more than three days. The Senate plans to take off Thursday.

The Senate will join the House for a joint session Tuesday to honor the 45th Infantry Division at 9:30 a.m. The Senate will reconvene Tuesday at 9:15 a.m. and will then join the House.

The Senate will not reconvene Tuesday afternoon. There are no bills on the Senate's agenda.

[\[LESS\]](#)

Senate Health, Human Services debates "alternative path" for nursing facility administrators

(eCap) The Senate Health and Human Services Committee dedicated over 40 minutes Monday to debate and discussion on a bill modifying requirements for nursing home administrators.

The committee substitute for **HB1551**, by Rep. George Faught, R-Muskogee, and Sen. Micheal Bergstrom, R-Adair, with title stricken, requires the Oklahoma State Board of Examiners for Long-Term Care Administrators to present language to promulgate in rule which defines a verifiable alternative path to licensure as a nursing home administrator that does not include a four-year degree requirement no later than Nov. 1, 2018. It requires said path be based on experience in the long term care administrator profession. It requires that in the absence of this language the Board no longer require completion of a four-year degree for licensing or certification for nursing facility administrators if such individuals possess 10 years of supervisory experience with five consecutive years of verified experience as a certified assistant administrator in an Oklahoma licensed nursing facility.

"My thinking is that someone who has an unrelated degree in let's say philosophy...that should not make them more qualified for a position as a nursing home administrator than someone who has ten years of supervisory experience and five years of that as a certified assistant administrator simply because that person does not have a four year degree," Bergstrom explained.

Bergstrom reiterated his point several times as he took a series of questions from members, noting his bill would not do away with any of the requirements already in place for administrator training.

"It seems to me that this is something that we definitely want to allow for licensing in this field," he added, emphasizing his willingness to work alongside with all parties involved to sure up any doubts in the language as is.

In debate against the bill, Sen. Anastasia Pittman, D-Oklahoma City, argued the bill would only serve to destroy the current path in favor of Bergstrom's proposed alternative path while also removing authority from the Oklahoma State Board of Examiners for Long-Term Care Administrators.

"We're telling the board what they cannot do but in the same tongue-and-cheek we're telling the board they have a year to come up with rules," Pittman said. "If we're going to allow the board to choose their rules, then why are we saying in statute that the board shall no longer include the four-year degree completion as a requirement?"

Sen. A J Griffin, R-Guthrie, spoke in favor of the legislation, commending Bergstrom on his willingness to work with involved parties.

Chair Ervin Yen, R-Oklahoma City, voted in favor of the bill while also advising Bergstrom "work diligently" alongside all involved,

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including the board itself. He cautioned against removing the four year degree requirement altogether however.

The bill passed on a vote of 7 to 4.

Other bills passed by the committee Monday included:

- The committee substitute (CS) for [HB1210](#), by Rep. Claudia Griffith, D-Norman, and Griffin, with title stricken, recreates the Strategic Planning Committee on the Olmstead Decision with a sunset date of July 1, 2020.
- CS for [HB1270](#), by Rep. Elise Hall, R-Oklahoma City, and Sen. James Leewright, R-Bristow, creates the Act to Restore Hope, Opportunity and Prosperity for Everyone. It requires the Oklahoma Health Care Authority and the Department of Human Services (DHS) to verify eligibility information prior to awarding assistance under Medicaid. It allows the information to include, but not limited to, earned and unearned income, employment status and changes in employment, immigration status, residency status, enrollment in other assistance programs, financial resources, incarceration status, death records and information relating to identity fraud and theft. It requires the Authority to sign a memorandum of understanding with any department, agency or division for information detailed therein. It requires the Authority to contract with one or more independent vendors to provide said information. The bill requires such a contract establish annualized savings that exceed the contract's total annual cost to the state. It states that nothing shall preclude the entities from receiving or reviewing additional information related to eligibility. It establishes procedures for receiving information about an individual. It allows the entities to take appropriate action if discrepancies are found. The bill requires applicants to complete an identity authentication process to confirm the applicant owns the identity presented in the application. The bill allows certain information to be shared with the Medicaid fraud control unit of the Office of the Attorney General for suspected fraud. It requires the Authority to promulgate rules. It requires the Authority to publish a written report on May 1, 2018, and annually after, detailing the impact of the legislation.
- [HB1357](#), by Rep. Regina Goodwin, D-Tulsa, and Griffin, creates the Oklahoma Caregiver Support Act. It requires the Department of Human Services to work with caregiver community groups across the state in a cost-neutral manner using existing resources for outlined purposes. It also requires the Department of Human Service to work alongside said groups in such a manner to support the awareness certain information related to caregivers.
- CS for [HB1620](#), by Rep. Cyndi Munson, D-Oklahoma City, and Sen. Robert Standridge, R-Norman, as amended, requires the State Board of Health to promulgate rules that require all medical and direct care staff of nursing and specialized facilities, adult day care centers, assisted living centers and home health agencies licensed by the State Department of Health to complete, at a minimum, one hour of in service training per year in Alzheimer's and dementia-related care. It provides the curriculum for the training. It requires the Board to promulgate rules establishing appropriate training requirements for support staff working in listed facilities. The amendment removes references to hospice facilities.
- [HB1703](#), by Rep. Kevin Calvey, R-Oklahoma City, and Sen. Greg Treat, R-Oklahoma City, creates the Choosing Childbirth Act which requires the State Department of Health to make grants to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the expense of programs providing nonprofit, pro-life organizations. It requires the Department to monitor the organizations to ensure grant money is spent in certain ways. It requires the Act to be implemented when funds become available.
- [HB1912](#), by Rep. Roger Ford, R-Midwest City, and Sen. Chris Kidd, R-Addington, modifies the provisions of receiving a disinterment permit. It requires the permit to be had before disinterment and reinternment of a dead body or fetus. It requires the application for a disinterment to include consent from the next of kin; other than the case of a medical legal in which the State Medical Examiner still retains his or her rights. It also accounts for a judge's order for said remains. It removes the rights of cemeteries to disapprove a disinterment. The bill excludes permits from being required for fetuses which will be disinterred and reinterred in the same cemetery. It requires forms to be obtained from the State Registrar of Vital Records.
- CS for [HB1968](#), by Rep. Tess Teague, R-Choctaw, and Griffin, allows an individual who inherits or purchases a licensed child care facility and operates the facility with the same personnel employed by the previous owner to continue to operate the facility under the same license and at the same star rating as the previous owner for a period of 90 days. It requires that the Department of Human Services be notified of any change in ownership within one business day and prior to the assumption of operations by

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the new owner. It provides specified conditions in which operations may continue. It provides for construction.

- CS for [HB2039](#), by Rep. Kevin Wallace, R-Wellston, and Standridge, with title stricken, allows a pharmacist or employee of a pharmacy to receive a prescription or deliver a legally filled prescription to a facility where medical care or pharmacy services are received by a patient. It requires the Board of Pharmacy to promulgate rules. It modifies definitions used therein. It allows naloxone to be prescribed and dispensed by a licensed pharmacist unless otherwise provided. It requires no dispensing protocol be required. It allows a pharmacist to exercise his or her professional judgment to dispense varying quantities of medication per fill-up to the total number of dosage units as authorized by the prescriber on the original prescription including any refills unless specified on the prescription that dispensing it is medically necessary. It provides for quantity limitations.

- [HB2273](#), by Rep. Terry O'Donnell, R-Catoosa, and Treat, prohibits any reproductive tissues from being procured for donation purposes from any person testing positive for the human immunodeficiency virus (HIV) infection. It allows organs and tissues to be procured for donation purposes from any person testing positive for HIV infection, provided such procurement and donation are consistent with the HIV Organ Policy Equity and the regulations promulgated by the Organ Procurement and Transplantation Network and the United States Food and Drug Administration. It clarifies language.

- CS for [HB2339](#), by Rep. Mike Ritze, R-Broken Arrow, and Yen, requires the investigators for the State Board of Medical Licensure and Supervision to perform such services as are necessary in the investigation of criminal activity or preparation of administrative actions. It modifies the definition to unprofessional conduct as used therein. It requires any licensee subject to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act to be deemed to have given consent to a duly authorized investigator of the Board to access provided information. It provides said investigators' authority and jurisdiction. The bill modifies provisions related to the Allied Professional Peer Assistance Program. It allows the contract with outside entities for services that are not available to it or can be obtained for a lesser cost through such a contract. It requires the contract to be ratified by the Board. It requires that no meeting of an Advisory Committee under the jurisdiction of the Board be required for the determination of the qualifications of an applicant for a license.

The committee laid over one bill, [HB1433](#), which will remain in its possession for a potential hearing at a later date.

[HB1433](#), by Rep. Jason Murphey, R-Guthrie, and Sen. Paul Scott, R-Duncan, prohibits the Oklahoma State Board of Examiners for Long-Term Care Administrators from requiring a two-year degree or proof of a passing score on the National Association of Long Term Care Administrator Boards Exam or Board-certified internship in future licensing or certification requirements.

[\[LESS\]](#)

House A&B fails to pass candidate filing bill, approves other measures

(eCap) The House Appropriations and Budget Committee failed one bill Monday relating to candidate filing.

[SB0323](#), by Sen. Lonnie Paxton, R-Tuttle and Rep. Kevin Wallace, R-Wellston, modifies the requirement for a petition supporting a candidate's filing. It requires the petition be signed by not fewer than 2.0 percent of the number of registered voters in the district, county or state, as appropriate for the office sought. It modifies the amount of fees to file as candidate for certain offices. It increases the fee for presidential candidates who submit a petition supporting their filling from \$2,500 to \$5,000.

Rep. Earl Sears, R-Bartlesville, asked Wallace how the numbers in the bill were generated.

"These fees to file have not been changed since 1967 and it (is) a small increase... I can't tell you exactly how they calculated the numbers," he said.

Without further questions and no debate, the measure failed.

The committee did pass a bill aimed at keeping doctors in Oklahoma

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SB0816, as amended, by Sen. Kimberly David, R-Porter and Rep. Leslie Osborn, R-Mustang, requires any student of this state who is in good academic standing with an accredited medical college in this state receive priority consideration in the process of assigning clinical rotations at a healthcare facility that accepts funding from this state.

The amendment further defines the term resident to ensure precedence is given to true Oklahoma residents.

Earlier this year, the Physician Manpower Training Commission warned the Senate Appropriations Subcommittee on Education that Oklahoma's shortage of primary care physicians is likely to significantly increase by 2030.

In Oklahoma, 75 of 77 counties are designated Primary Care Health Professional Shortage Areas (HPSAs), according to Executive Director Richard Evans, leaving approximately 40 percent of Oklahomans with unmet needs. An additional 161 primary care physicians are needed to fill the state's current need and an additional 451 primary care physicians will be needed by 2030, he pointed out.

The agency, which is charged with increasing the number of physicians in rural and underserved areas in the state, said the growing physician workforce shortage will make it even more difficult for Oklahoma to meet its health workforce needs

"I know that's not news to anybody," Evans said, while referencing the state's poor health outcomes. Oklahoma ranks 44th in overall health status and 46th in physician workforce/population, according to the commission. It also ranks among the top 12 states with physicians over the age of 60.

"Physicians are going to other states; it's hard for us to hold on to them. It's even harder to keep them from going to Texas or nearby states," Evans said.

The bill passed unanimously by a vote of 25 to 0 and will move on to the full House floor.

In closing, Osborn reminded members that while appropriations and budget subcommittees will no longer meet after Thursday's deadline, the full House Appropriations and Budget Committee will have at least one more meeting next week. The deadline for Senate bills to be heard by the full House Appropriations and Budget Committee is April 20, one week later than the deadline for other House committees and for Senate committees, as well.

The following bills passed:

- **SB0017**, by Sen. Kevin Matthews, D-Tulsa, and Rep. Monroe Nichols IV, D-Tulsa, creates a revolving fund for the Oklahoma Historical Society to be designated the "1921 Tulsa Race Riot Centennial Memorial Revolving Fund" for the purpose of commemoration of the centennial of the 1921 Tulsa Race Riot. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. It requires any funds in the It requires any money in the 1921 Tulsa Race Riot Memorial of Reconciliation Revolving Fund be transferred to the fund. It repeals language related to the 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee and memorial.

- **SB0024**, by Sen. Mark Allen, R-Spiro, and Rep. Dustin Roberts, R-Durant, modifies notifications related to changes in motor vehicle driving privileges or any change in the driving status to include non-commercial vehicle operators who operate a vehicle in the course of business. It allows agents acting on behalf of an employer to receive the notifications. The bill modifies the allocation of revenue from the electronic notification system, setting the fee at \$25 and requiring that \$18 be deposited in the General Revenue Fund, \$5 in the Department of Public Safety Revolving Fund and that \$2 be retained by the department or its authorized agent to develop and maintain the electronic notification system.

- **SB0035**, as amended, by Sen. Kimberly David, R-Porter, and Rep. Kevin McDugle, R-Broken Arrow, permits a person 21 years of age or older on active military or National Guard duty, regular military or National Guard reserve duty or retired or honorably discharged from military service and who presents a valid military identification card in lieu of a handgun license to carry a concealed or unconcealed weapon without obtaining a handgun license. It removes language that provides an exemption from

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the training requirement for those individuals. The bill adds reserve duty law enforcement officers from the list of those exempt from the training and qualification requirement. It removes language requiring the Council on Law Enforcement Education and Training (CLEET) to establish criteria for providing proof of an exemption. The bill permits out-of-state permit holders to carry unconcealed weapons. The amendment allows a military identification to be considered a valid handgun license.

- **SB0038**, by Sen. Roger Thompson, R-Okemah, and Rep. Kevin Wallace, R-Wellston, increases the Forensic Science Improvement Assessment to \$10 from \$5.

- **SB0045**, by Sen. Ron Sharp, R-Shawnee, and Rep. Tammy West, R-Bethany, authorizes the State Department of Education to directly contract with educators who are current or retired employees of Oklahoma public school districts, for services to assist the department as necessary when such services require the expertise and qualifications of an Oklahoma certified educator. The bill exempts the contracts from the competitive bidding requirements of the Oklahoma Central Purchasing Act and from being included in the calculation of the educator's salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

- **SB0057**, by Sen. Larry Boggs, R-Wilburton, and Rep. Chris Kannady, R-Oklahoma City, updates federal statutory references related to the Oklahoma Veterans Commission's authorization to make collections from eligible patients and members for care and maintenance.

- **SB0060**, by Sen. Stephanie Bice, R-Oklahoma City, and Rep. Ryan Martinez, R-Edmond, removes the requirement that the Tax Commission issue decals that contain two-letter county abbreviations for all-terrain vehicles, utility vehicles and motorcycles used exclusively off roads and highways. The bill requires the commission to distribute all decals containing a two-letter abbreviation before beginning to distribute those that do not. It removes outdated language concerning motor vehicle tags.

- **SB0080**, by Sen. Frank Simpson, R-Ardmore, and Rep. Pat Ownbey, R-Ardmore, permits appropriations, federal monies, and monies collected by or for the Department of Rehabilitation Services and monies from the current and prior fiscal years to be transferred to and between the agency disbursing funds for the current or prior fiscal years, including the Medical and Assistance Funds, and other funds authorized to be used by the department as necessary. The bill requires that monies transferred be included in the department's budget work program and records should be maintained. It adds that transfer requests need to be in writing to the Office of Management and Enterprise Services. The measure exempts receipt and expenditure for unanticipated federal funds awarded to the department after the commencement of the fiscal year's expenditure limitations. The bill permits the Department of Rehabilitation Services director to request through the Office of Management and Enterprise Services director an early transfer of tax collection to the General Revenue Fund by the Oklahoma Tax Commission; with the purpose to early allocate the department's disbursing funds.

- **SB0089**, with title restored, by Sen. Greg McCortney, R-Ada, and Rep. Todd Thomsen, R-Ada, increases to \$30 from \$20 the registration fee the Council on Law Enforcement Education and Training (CLEET) is authorized to charge to cover the cost of meals it provides during training for peace officers. It expands the list of meals to include dinner.

- CS to **SB0105**, by Sen. Roger Thompson, R-Okemah, and Rep. Leslie Osborn, R-Mustang, modifies the duties of the Chief Information Officer. It requires that any information technology product or service cost at least \$25,000 before requiring approval of the Chief Information Officer. The committee substitute includes the language "if the product is listed on an information technology or telecommunications statewide contract, and the product is listed on either the Approved Hardware or Approved Software list located on the Office of Management and Enterprise Services.

- **SB0117**, by Sen. Gary Stanislawski, R-Tulsa, and Rep. Randy McDaniel, R-Edmond, appropriates \$6.0 million to the Employment Security Administration Fund from the funds made available to the state by the federal Unemployment Compensation Modernization Transfer made on June 25, 2009, pursuant to Section 903(f) of the Social Security Act, 42 U.S.C., Section 1103(f), as amended, to be used by the Oklahoma Employment Security Commission for the purpose of paying administrative expenses. The bill sets certain limits on the expenditures.

- **SB0120**, by Sen. Kimberly David, R-Porter, and Rep. Leslie Osborn, R-Mustang, extends the sunset date to tax years ending before Jan. 1, 2026, the Aerospace Tax Credits.

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- **SB0189**, with title restored, by Sen. Kay Floyd, D-Oklahoma City, and Rep. Claudia Griffith, D-Norman, exempts from sales tax sales of tangible personal property or services to an organization exempt from taxation under the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and operates as a collaborative model which connects community agencies in one location to serve individuals and families affected by violence and where victims have access to services and advocacy at no cost to the victim.

- **SB0218**, by Sen. A J Griffin, R-Guthrie, and Rep. Tim Downing, R-Purcell, specifies a 3.0 percent fee amount, not exceeding \$10, for each child support payment received per month.

- **SB0234**, by Sen. Frank Simpson, R-Ardmore, and Rep. Tommy Hardin, R-Madill, creates a petty cash fund for programs of the Oklahoma Military Department, including but not limited to billeting funds, youth programs and military awards and decoration programs, the sum of which will be determined as agreeable to the Oklahoma Military Department and the Director of the Office of Management and Enterprise Services. It directs the Director to establish procedures for the administration of this petty cash fund.

- **SB0237**, by Sen. Eddie Fields, R-Wynona, and Rep. John Pfeiffer, R-Mulhall, allows the Board of Directors of the Oklahoma Historical Society to contract with other state agencies and/or non-profit organizations to create an irrevocable endowment with associated management and administration costs to trade, sell or barter donated and deaccessioned collection items that do not conform to collection policies of the Oklahoma Historical Society. It directs proceeds from the endowment to be used for the acquisition, conservation or use of collections at museums, historic sites or research facilities owned and operated by the Oklahoma Historical Society.

- **SB0301**, by Griffin and Rep. Jon Echols, R-Oklahoma City, exempts a student who was in out-of-home placement with the Department of Human Services or the Office of Juvenile Affairs from certain requirements for participation in the Lindsey Nicole Henry Scholarships for Students with Disabilities Program.

- **SB0325**, with title restored, by Sen. Jack Fry, R-Midwest City, and Downing, requires persons convicted in this state who make a request for transfer to another state pursuant to the Interstate Compact to pay a transfer application fee of \$100 for each transfer application submitted. It requires the fee be paid to the Department of Corrections. It permits the Department of Corrections director to waive the fee if it is determined that payment of the fee will constitute an undue economic burden on the offender. It requires the fees collected be deposited into the Department of Corrections Revolving Fund.

- CS to **SB0426**, by Sen. James Leewright, R-Bristow and Rep. John Pfeiffer, R-Mulhall, assesses a \$5 used tire recycling fee at the time a motor vehicle is registered. It assesses a \$3 used tire recycling fee at the time a semitrailer is registered. It defines applicable terms. The bill assesses a \$2.50 per tire recycling fee for tires used on implements of agricultural equipment for tires less than 19.5 inches in rim diameter and \$3.50 for tires with greater than 19.5 inches in rim diameter. It deletes the definition for erosion control project and motorized bicycle. It assesses a tire recycling fee of \$7.00 per tire for tires with a rim diameter greater than 19.5 inches and a tread greater than 12 inches. It assesses a \$2.50 per tire fee any time a trailer or semitrailer with a tire rim diameter of less than or equal to 9.5 inches when it is first titled. It also assesses a \$7.00 fee on certain motor vehicles when titled and a \$5.00 tire recycling fee on certain trailers and semi trailers when first titled. It allows any peace officer to issue a citation to a person committing crimes relating to collection or disposal of used tires of a daily fee of \$100 for the first offense, \$200 for the second and \$500 for the third or subsequent offense. It establishes distribution of the fines collected. The CS reflects changes made in subcommittee. The amendment decreases the assessed fine amount.

- **SB0438**, by Sen. John Sparks, D-Norman, and Rep. Glen Mulready, R-Tulsa, exempts insurance policies sold to any city or town in the state from the surplus lines premium tax.

- **SB0456**, with enacting clause stricken, by Sen. Joe Newhouse, R-Broken Arrow, and Rep. Kevin McDugle, R-Broken Arrow, requires the Oklahoma Department of Veterans Affairs to establish and administer an Oklahoma veterans registry. It specifies contents of the registry and procedures for collecting information.

- **SB0474**, by Sen. James Leewright, R-Bristow, and Kannady, removes the penalty for dealers failing to comply with provisions relating to dealer license plates.

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- [SB0475](#), with enacting clause stricken, by Sen. Mike Schulz, R-Altus, and Rep. Charles McCall, R-Atoka, requires a salt water facility operator to allocate the oil recovered, saved and sold, based upon the barrels of salt water and oil received from a particular source for the month, divided by the total barrels of salt water and oil received by the facility for the month. It requires the facility operator to file a report with the Tax Commission and pay the applicable production taxes, reflecting the volume of oil recovered, saved and sold and the gross proceeds from the sale thereof.
- [SB0476](#), as amended with title restored, by Sen. Roger Thompson, R-Okemah, and Rep. Earl Sears, R-Bartlesville, modifies apportionment of fees, taxes and penalties collected pursuant Oklahoma Vehicle License and Registration Act by removing the limitations relating to school district apportionment.
- [SB0563](#), by Sen. Micheal Bergstrom, R-Adair, and Rep. Jason Murphey, R-Guthrie, allows any school district, including a technology school district, to either participate in, sponsor, conduct or administer a cooperative purchasing agreement for the acquisition of any commodities or services with one or more public agencies in accordance with an agreement entered into between the participants. It allows those cooperative purchasing agreements to include joint or multiparty contracts between public agencies and open-ended state public procurement contracts.

The following bill was laid over: [SB0705](#), by Sen. Eddie Fields, R-Wynona and Rep. Harold Wright, R-Weatherford, modifies allocation of the aircraft excise tax. It requires the first \$6.0 million to be placed to the credit of the Oklahoma Aeronautics Commission for fiscal years beginning July 1, 2016, and each fiscal year thereafter. It requires revenues in excess of \$6.0 million to be credited to the General Revenue Fund.

[[LESS](#)]

Governor signs gun bill

(eCap) Gov. Mary Fallin signed one bill Monday.

Fallin signed [SB0036](#), by Sen. Micheal Bergstrom, R-Adair, and Rep. Bobby Cleveland, R-Slaughterville, adds the definition of the term "handgun" to the Firearms Act

The bill sailed through both the House and Senate, winning approval in both chambers by large margins.

The bill takes effect November 1.

[[LESS](#)]

Senate Retirement, Insurance Committee okays six bills

(eCap) Six bills won the approval Monday of the Senate Retirement and Insurance Committee. Sen. Dan Newberry, however, really did not like one of them and planned to tell everyone that during debate, but he never got that chance.

Newberry voted, "Absolutely not," on the committee substitute for [HB1720](#), by Rep. Lewis Moore, R-Arcadia, and Sen. John Sparks, D-Norman. It requires insurance companies to provide a premium discount or insurance rate reduction in an amount and manner as established therein commencing on January 1, 2018. It allows insurance companies to offer additional adjustments in deductible, other credit rate differentials or a combination thereof. The bill requires said adjustments be available under terms specified therein to any owner who builds or locates a new insurable property in Oklahoma to resist loss due to tornado or other catastrophic windstorm events. It provides procedures by which to obtain said adjustments. It provides requirements for the owner of insurable property claiming such an adjustment. It provides for the submission of rates and rating plans by insurers. It defines terms used therein. It requires said provisions only apply to new insurance policies written, or existing policies renewed, on or after January 1, 2018. It requires the Insurance Commissioner to promulgate rules.

During questions on the bill, Newberry asked why it was necessary to mandate insurance companies provide a rate reduction

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when certain construction standards were met. Sparks said there was a "chicken and the egg" situation in the market: Builders might build to the higher standards and may or may not be rewarded.

"This encourages them to work toward that," said Sparks.

After inquiring about the construction standard, which Sparks said was adopted by the Uniform Building Code Commission, Newberry said he would save his remaining remarks for debate.

But he never got that chance. Chair Bill Brown asked if there were any more questions. There weren't. He asked for debate. When Newberry and no other members of the committee raised their hands to debate the bill, Brown called for the vote.

When he name was called, Newberry voted, "Absolutely not." He turned to look at Brown who then appeared to realize what he had done as a staffer informed him Newberry had wanted to debate the bill.

Sparks voted, "Absolutely yes."

The bill received a do pass recommendation and now is eligible for floor consideration.

The following bills also received do pass recommendations from the committee:

- **HB1163**, by Rep. Steven Vaughan, R-Ponca City, and Sen. Frank Simpson, R-Ardmore, modifies the criteria upon which the annual retirement pay provided by the Oklahoma Law Enforcement Retirement System is based to include the top base salary currently paid to the highest nonsupervisory position in the participating agency. It allows the Board of Trustees for the System to waive the requirement that the disability application be filed before the member's date of termination from service if good cause is shown. It prohibits members from being eligible to receive any disability benefit if the member's completed application is filed more than six months after the member's date of termination from service.

- **HB1704**, by Rep. Randy McDaniel, R-Edmond, and Sen. Bill Brown, R-Broken Arrow, requires any participating employer who is employing an elected or appointed official to any judicial or other office covered by the Uniform Retirement System for Justices and Judges to make proper written notification to the System informing it of the beginning date of such retiree's employment. It requires any retiree returning to work for a participating employer to make contributions to the System and the employer to do likewise. It requires all retirees who have returned to employment and participation in the System following retirement to have post-retirement benefits calculated using a specified method. The bill eliminates language prohibiting the disqualification of a spouse from receiving survivor benefits if he or she remarries. The bill requires the Oklahoma Public Employees Retirement System (OPERS) to charge interest on any overpayments in an amount not to exceed the actuarially assumed interest rate adopted by the board for investments earnings each year in the event there is an error that resulted in overpayment. It allows interest charges to be waived upon the approval of the executive director. The bill allows a statewide elected official or legislator whose first service as an elected official between Nov. 1, 2015 and the effective date to participate in OPERS if he or she has prior service in the benefit plan. It requires the election to participate to occur within 60 days of the effective date. It requires participation to begin the date the elected official makes the election to participate in the plan and requires the decision to be irrevocable.

- **HB1824**, by Rep. Chris Kannady, R-Oklahoma City, and Sen. A J Griffin, R-Guthrie, requires a health benefit plan that provides benefits for prescription drugs delivered, issued or renewed after November 1, 2017, to provide for synchronization of prescription drug refills on at least one occasion per insured per year, provided all of the conditions therein are met. It requires such a plan apply a prorated daily-cost sharing rate to any medication dispensed by a network pharmacy when necessary to permit synchronization. It prohibits dispensing fees from being prorated and requires all dispensing fees be based on the number of prescriptions filled or refilled. It defines "synchronization" as used therein.

- **HB2034**, by Rep. Charles McCall, R-Atoka, and Newberry, the makeup of the Oklahoma State Pension Commission and requires the member appointed by the Speaker of the House to have demonstrated experience in the investment of private or public funds.

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· [HB2237](#), with title stricken, by Rep. Glen Mulready, R-Tulsa, and Sen. Greg Treat, R-Oklahoma City, changes all references of the State and Education Employees Group Insurance Act to the Oklahoma Employees Insurance and Benefits Act. It modifies the duties of the Office of Management and Enterprise Services. It allows OMES to contract with one or more third-party vendors for purposes of offering alternative medical plans for consideration by participants. It stipulates the requirements of the plan.

The following bills were laid over:

· [HB1893](#), by Rep. Pat Ownbey, R-Ardmore, and Sen. Frank Simpson, R-Ardmore, creates the Oklahoma Remote Patient Monitoring Reimbursement Act and defines related terms. The bill provides a purpose for patient monitoring services and establishes eligibility criteria for reimbursement of services provided under this Act. The bill directs all health insurance providers and benefit plans to provide coverage and reimbursement for these services. The bill also directs the Oklahoma Insurance Department and the Oklahoma Health Care Authority to promulgate rules.

· [HB2216](#), by Rep. Sean Roberts, R-Hominy, and Sen. Jason Smalley, R-Stroud, requires a noncontracted provider to provide specific services to any enrollee that is covered under a health benefit plan not under contract with said provider. It requires a noncontracted provider to provide required information within 14 days for nonemergency services to the enrollee prior to rendering services. It requires the information be given to the enrollee as soon as practical in the case of emergency services. It defines terms.

[\[LESS\]](#)

Senate General Government Committee approves 10 bills, fails 3

(eCap) Senate General Government Committee Chair Nathan Dahm's latest effort to change the administrative rules process was one of 10 bills to win the approval of his committee, but three bills failed.

The committee gave a do pass recommendation with its enacting clause stricken to the committee substitute for [HB1944](#), by Rep. John Jordan, R-Yukon, and Dahm. It modifies definitions within the Administrative Procedures Act. It gives the Governor the authority to approve or disapprove agency rules. It allows 45 calendar days from receipt of a rule to approve or disapprove the rule and establishes a notification process to state agencies of the approval or disapproval of rules. It adds that rules not approved by the Governor will not become effective unless otherwise approved by the Legislature by joint resolution. It also establishes a process by which the Legislature may approve an agency rule by joint resolution.

Dahm said the version of the bill before the committee was not its final language. He hoped it would advance to the Senate floor, be approved there and sent to conference where final language could be added to it. He did not say what that final language might look like.

Sen. Kay Floyd, D-Oklahoma City, expressed reservations about the bill. She praised Dahm for his efforts to address problems with the administrative rules process but said she remained opposed to his plan to allow the Legislature to amend rules adopted by agencies, boards and commissions.

Give the Legislature the power to amend the rules, she said, would eliminate the public input gathered during the administrative rules process by agencies, boards and commissions. "All that public input, that transparency, goes out with door because we think we know better," Floyd said.

Dahm said the idea of allowing lawmakers to amend administrative rules came to him during a discussion during his second year in the Legislature with an agency head. Dahm suggested a potential change to that agency's rules and was surprised to learn he could not make it in the Legislature.

"I'm not negating public input and transparency," said Dahm. "I am giving legislators, who are elected by the people, the opportunity to be more involved."

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The bill received a do pass recommendation with Floyd and Sen. Anastasia Pittman, D-Oklahoma City, voting nay.

Three bills' do pass recommendation failed Monday.

Floyd raised concerns that [HB1436](#), by Rep. Tess Teague, R-Choctaw, and Sen. Ervin Yen, R-Oklahoma City, significant increased the filing fees at county clerks' offices. The bill allows the county clerk to employ a general counsel. It creates fees to be charged by the county clerk for the recording of deeds and mortgages.

Oklahoma County Clerk David Hooten said the bill stabilized fees for taxpayers by moving away for a per page charge to a per document charge, in most cases. Hooten noted that most documents are now filed electronically, rather than in paper form, eliminating the need, in most cases, for per page charges.

The do pass recommendation failed.

The do pass recommendation for [HB1537](#), by Rep. Jason Dunnington, D-Oklahoma City and Sen. J.J. Dossett, D-Sperry, also failed. It creates the Water for 2060 Revolving Fund for the Oklahoma Water Resources Board in the State Treasury. It provides the fund's purpose. It directs monies accruing to the credit of the fund appropriated and be budgeted and expended by the Oklahoma Water Resources Board for the purpose of promoting efficient water use by municipalities and residents of municipalities. It requires expenditures from the fund be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. It requires any commercial irrigation system to have accurate water metering as part of its manufactured design or to allow metering by a device after its manufacture that allows accurate water metering and allots for fines for those found in violation. It allows any municipality within the state which implements an inclined block rate structure for use of municipal water by persons, business entities and other users to retain all revenues derived from the sale of water to each user subject to a maximum of 25,000 gallons per month and allots for fines for those found in violation. It requires fees from the violations be deposited in the revolving fund. It prohibits the provisions of the measure from being applicable to water sold to any city, town, rural water district or nonprofit corporations that are engaged in the sale or resale of water.

Sen. Julie Daniels, R-Bartlesville, said many factors went into setting municipal water rates and the bill required those considerations to be set aside.

"I just think this is awful," said Daniels.

Dossett, who had struck title on the bill, asked the committee to advance the bill so that he could continue to work on it. They did not do so.

The do pass motion for [HB2159](#), by Rep. Jadine Nollan, R-Sand Springs, and Sen. Dave Rader, R-Tulsa, failed. It allows the court clerk to request that the Oklahoma Tax Commission cancel the registration of a vehicle driven by a defendant who does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment.

The bill was amended to limit it to municipal courts. Rader said the bill would ensure that individuals with municipal warrants would be notified when they went to renew their motor vehicle tags that they had warrants outstanding. They could then make arrangements to pay the warrants, at which point they would be allowed to renew their tag.

There was no discussion or debate and the do pass motion failed.

The following bills received do pass recommendations:

- [HB1341](#), with enacting clause stricken, by Rep. Rande Worthen, R-Lawton, and Sen. Paul Scott, R-Duncan, prohibits the access of listed records through the internet.

- [HB1374](#), by Rep. Weldon Watson, R-Tulsa, and Sen. David Holt, R-Oklahoma City, creates the Oklahoma Public Safety Protection District Act. It allows the governing body of a municipality to raise property taxes as to initiate the creation of a public

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safety protection district by the adoption of a resolution calling for the question to be placed before registered voters. It sets for the process by which to submit such a question to voters. It provides requires for a public safety protection district. It provides for costs for the aforementioned election. It provides a dissolution process. It defines terms. The amendment eliminates the provision allowing such a resolution be submitted to the voters by way of a special election.

- **HB1381**, by Rep. Carol Bush, R-Tulsa, and Sen. Dave Rader, R-Tulsa, provides a municipality is not prohibited from requiring the owner of property that is the subject of any abatement process to provide the name, physical address and telephone number of an individual to receive and respond to communications concerning the property subject to the abatement process. It also provides that no future action taken by the municipality will be rendered ineffective due to the failure of the property owner to provide the information. It prohibits the municipality from assessing any additional charge when requiring the information.

- Committee Substitute for **HB1534**, by Rep. John Montgomery, R-Lawton, and Sen. James Leewright, R-Bristow, creates the Oklahoma Public and Private Facilities and Infrastructure Act, due to a need for public infrastructure and government facilities in this state that serve a public need and purpose. The bill provides for the purpose of the Act. The bill defines terms. The bill requires a contracting entity to obtain the approval of and contract with the responsible governmental entity under the Act in order to develop or operate a qualifying project. The bill provides for procedure and requirements for proposals of qualifying projects. The bill provides for the approval process and authorizes governmental organization to enter into contracts. The bill specifies duties of the contract and specifies funding mechanisms. The bill provides for public access to records.

- **HB1552**, by Rep. George Faught, R-Muskogee, and Holt, requires approval by joint resolution of any proposed rule which modifies the scope of practice of any occupation contained within Title 5, provided the resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. It provides the rule will be deemed disapproved if the Legislature fails to approve the rule on or before the last day of the legislative session. It exempts any proposed rule that modifies the scope of practice from the other procedures governing legislative approval of administrative rules.

- **HB1810**, with title stricken, by Rep. Ben Loring, D-Miami and Sen. Marty Quinn, R-Claremore, declares taking an audio or video recording of or listening in by any means, electronic or otherwise, to an executive session without authorization from the public body and disseminating information learned or discussed during an executive session that, due to its nature, should remain undisclosed to be in violation of the Open Meetings Act. It allows a public body to record the proceedings of an executive session to confidentially preserve the minutes. It prohibits any individuals from recording the proceedings other than the public body. It further includes violations of the Oklahoma Open Meeting Act.

- **HB2231**, by Rep. Glen Mulready, R-Tulsa, and Sen. Dan Newberry, R-Tulsa, permits a sheriff to employ outside counsel to provide immediate representation to a deputy of the sheriff in a deputy-involved shooting incident, provided employment of the counsel is not permitted to continue if the deputy involved is charged with any crime arising from the incident.

- **HB2232**, by Mulready and Newberry, requires that any audio or video recordings from recording equipment attached to the person of a law enforcement officer that depict anything other than an officer-involved shooting, use of lethal force and incidents involving medical treatment be kept at a minimum of one year upon request of the district attorney or a written application.

- **HB2250**, by Rep. David Brumbaugh, R-Broken Arrow, and Holt, requires the State Auditor and Inspector to submit to the data.ok.gov web portal all raw data sets collected from certain audit, provided that the State Auditor and Inspector shall redact data points which are exempted from disclosure by the Oklahoma Open Records Act.

HB1288, by Rep. Kevin West, R-Moore, and Sen. Jason Smalley, R-Stroud, was laid over. It exempts a public construction contract from retainage.

[LESS]

McCall: Office to look into 'cross-dressers' email

(eCap) House Speaker Charles McCall said his office will look into a House staffer's email that purported to reflect his office had given pages access to a staff restroom because "there are cross-dressers in the building."

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"The email was not authorized by me, my staff or my office. It was sent unilaterally by a House staff member without any input or permission," McCall, R-Atoka, said in a statement. "I was unaware that such an email was being sent, and the remarks contained in the email are not condoned by me or the Office of the Speaker.

"As Speaker, all Oklahomans should feel welcome in the Oklahoma Capitol building. We are looking into this matter, and it will be taken seriously," he added.

In an email to House offices, Karen Kipgen, House page program supervisor wrote, "As per the Speaker's office, pages are being allowed access to the ladies restroom across from 401 for today. Again, there are cross-dressers in the building."

The restroom is located immediately across from the Speaker's office and is available to members and staff.

Jason Sutton, McCall's spokesman, said it appeared only one email had been sent, despite the use of the term "again."

Monday was National Youth HIV and AIDS Awareness Day at the Capitol, an event organized by the Oklahoma AIDS Care Fund. [Editor's Note: See related story, Advocates for HIV/AIDS education update convene at Capitol]

According to published reports, one group in attendance was made up of approximately 70 LGBTQ students from Tulsa. Various groups set up displays in the Capitol rotunda for the event.

[\[LESS\]](#)

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